

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NASEAN BONIE,

Plaintiff,

20 CIVIL 0640 (KMK)

-against-

RULE 54(b) JUDGMENT

ANTHONY ANNUCCI, et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memo Endorsed Order dated April 2, 2024, Defendant Matthews' unopposed motion for entry of final judgment pursuant to Federal Rule of Civil Procedure 54(b) is granted. Plaintiff has had multiple opportunities to oppose Defendant's Motion but has failed to do so. Moreover, having reviewed Defendant's submission, the three conditions necessary for a court to direct entry of a final judgment on one or a subset of claims are satisfied, including that: "(1) there are multiple claims or multiple parties; (2) at least one claim or the rights and liabilities of at least one party has been finally determined; and (3) there is no just reason for delay." Choi v. Tower Rsch. Cap. LLC, No. 14-CV-9912, 2020 WL 2317363, at *1 (S.D.N.Y. May 11, 2020) (citing Fed. R. Civ. P. 54(b)). Here, there are multiple claims and parties in this case, (see Second Am. Compl. (Dkt. No. 443)); all of the claims against Defendant Matthews have been finally determined, (see Mot. to Dismiss Am. Compl. Opinion & Order (Dkt. No. 369)); and there is no just reason for delay "because the claims against Defendant Matthews are not inextricably interrelated to the other claims in this case and equitable considerations favor immediate appeal," (Def.'s Mem. at 5 (Dkt. No. 448)), see Choi, 2020 WL 2317363, at *2 (granting plaintiffs' unopposed motion for partial final judgment under Rule 54(b) where claim

under review was separable from claims still be adjudicated); Geer v. Gates Chili Cent. Sch. Dist., No. 17-CV-6161, 2019 WL 95794, at *1 (W.D.N.Y. Jan. 3, 2019) ("[W]hile courts should avoid piecemeal litigation, appellate review of this [c]ourt's decision as to [defendants] could actually promote judicial efficiency, since, in the event of a reversal on appeal, all of plaintiff's claims could be tried together."). The Court therefore grants the Motion. Final Judgment entered in favor of Defendant Matthews.

Dated: New York, New York

April 3, 2024

RUBY J. KRAJICK
Clerk of Court

BY:



Deputy Clerk